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ABSTRACT

Intended for use by cooperative education program coordinators, this module deals with the way in which the Michigan workers' Disability Compensation Act (P.A. 357 of 1980) affects students enrolled in vocational cooperative education programs in Michigan. The module, which is designed to be a self-paced instructional package, contains a pre-test, answer key, scoring instructions, a reinforcement exercise, case studies with appropriate answers, and additional agency and printed resources. (MN)

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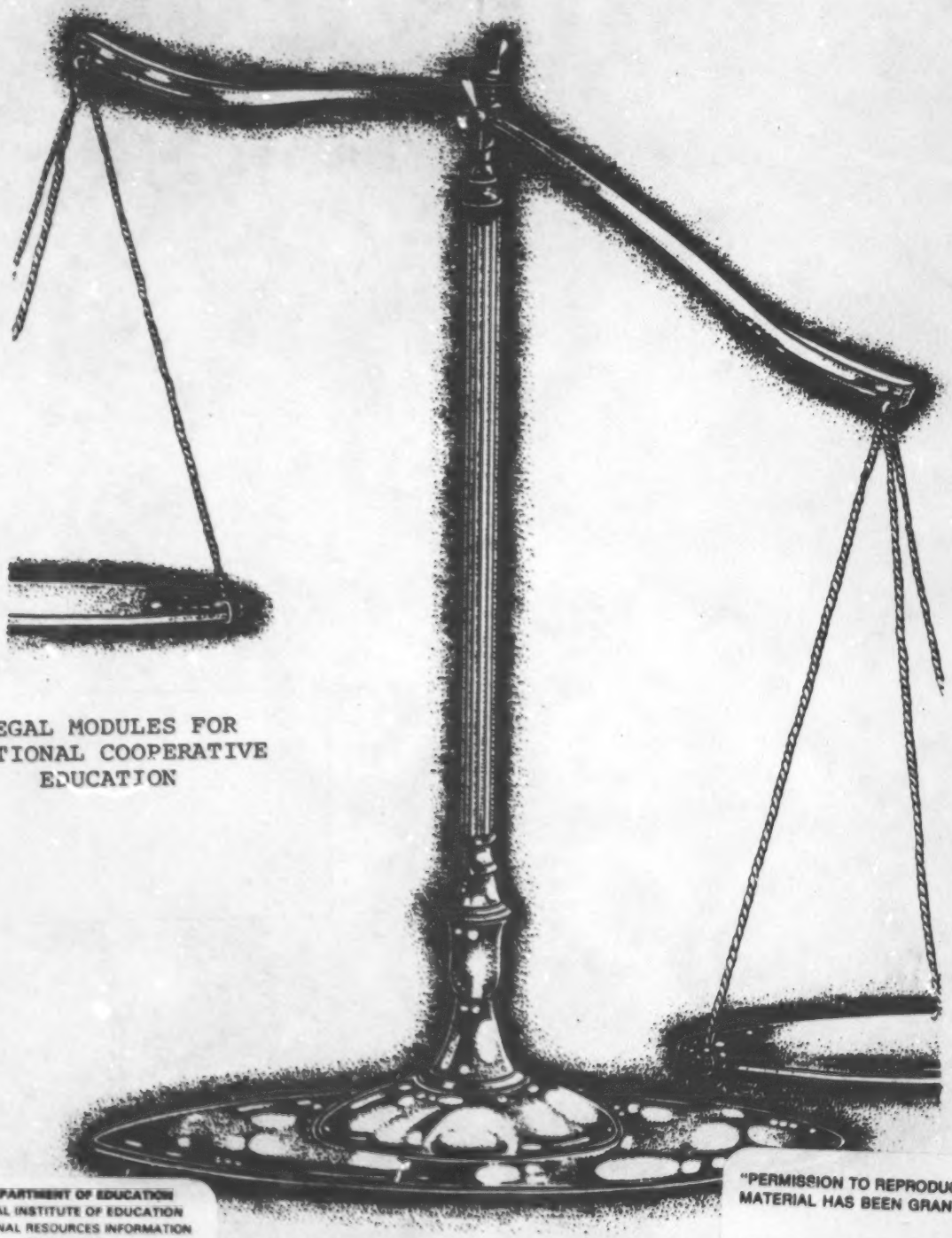
WORKERS' COMPENSATION

WORKERS' DISABILITY COMPENSATION ACT, P.A. 357 OF 1980



LEGAL MODULES FOR
VOCATIONAL COOPERATIVE
EDUCATION

CE 034 169

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Mr. Marty Chirgwin
Traverse Bay Vocational Center
880 Parsons Road
Traverse City, MI 49684

Dr. Wells Cook
337 Grawn Hall
Central Michigan University
Mt. Pleasant, MI 48859

Mr. Ray Fast
Cooperative Extension Service
Court House
Coldwater, MI 49036

Mr. Don Gebraad
Ottawa Skills Center
13565 Port Sheldon Road
Holland, MI 49423

Dr. Jack T. Humbert
Department of Distributive Education
Western Michigan University
Kalamazoo, MI 49008

Ms. June Kilmer
Farmington Public Schools
32900 West Thirteen Mile Road
Farmington Hills, MI 48018

Mr. Robert L. Larsen
Job Placement Service
Oakland Schools
2100 Pontiac Lake Road
Pontiac, MI 48054

Mr. David J. Miller
Fraser High School
34270 Garfield
Fraser, MI 48026

Ms. Pat Votruba
Averill Skills Center
2102 Weiss
Saginaw, MI 48602

Ms. Adelaide Wortham
Detroit Public Schools
Marketing and Distributive Education
School Center Building, Room 914
5057 Woodward Avenue
Detroit, MI 48202

Mr. Carl Woloszyk
Department of Education
Vocational-Technical Education
Service
Box 30009
Lansing, MI 48909

NOTE: This Module is not intended to serve as an in-depth or legally definitive analysis concerning the law, rule or regulation discussed. It does, however, represent an overview and an administrative opinion of the writers and may be subject to change or further clarification.

INTRODUCTION TO MODULE

OBJECTIVES

1. The coordinator will be able to describe the law, rule or regulation to students, employers, teachers, parents/guardians and administrators.
2. The coordinator will apply the law, rule or regulation to specific cooperative education training situations.

EXEMPTION TEST

A basic concept of competency-based education is to provide instruction that will meet individual needs and abilities. The first step is to determine if you already have the knowledge, skills, or judgments in question. So, you're being asked to take an Exemption Test. The Exemption Test is self-paced.

DIRECTIONS

1. The Exemption Test assesses your knowledge. It is administered before instruction; passage exempts you from the module.
2. Use the Exemption Test before working through the module.

EXEMPTION TEST

Directions: Read the statements below and mark with an (X) those statements which are true in reference to the State of Michigan Workers' Disability Compensation Act, P.A. 357 of 1980.

_____1. A cooperative education student-learner is injured driving to work. This student cannot collect Workers' Disability Compensation from the employer.

_____2. A cooperative education student-learner is injured driving to work. This student cannot collect Workers' Disability Compensation from the school.

_____3. It is the interpretation by the Administration of the Bureau of Workers' Disability Compensation that students employed under cooperative education programs are not considered employees.

_____4. Michigan private employers do not have to provide Workers' Disability Compensation benefits to cooperative education student-learners if injured on-the-job.

_____5. Public employers do not have to provide Workers' Disability Compensation benefits to cooperative education student-learners if injured on-the-job.

_____6. A cooperative education student-learner working for a greenhouse concern cannot file for Workers' Disability Compensation because of mental disabilities that developed in a significant manner from actual events of employment.

_____7. A cooperative education student-learner attends the annual company picnic and is injured playing soccer. This student-learner is not eligible for Workers' Disability Compensation benefits.

_____8. A cooperative education student-learner can receive concurrently Unemployment and Workers' Disability Compensation benefits.

EXEMPTION TEST

_____9. A dental assistant while working as a cooperative education student-learner claims he received a back injury on-the-job. This former cooperative education student-learner cannot apply for Workers' Disability Compensation Benefits for three years after the cooperative education experience.

_____10. A cooperative education student-learner cannot receive Workers' Disability Compensation benefits which are calculated by taking the total wages earned and dividing by the number of weeks actually worked to give the average weekly wage.

ANSWER KEY

THE CORRECT ANSWERS FOR THE WORKERS' DISABILITY COMPENSATION ACT, P.A. 357 of 1980 ARE AS FOLLOWS:

_____1. True

_____2. True

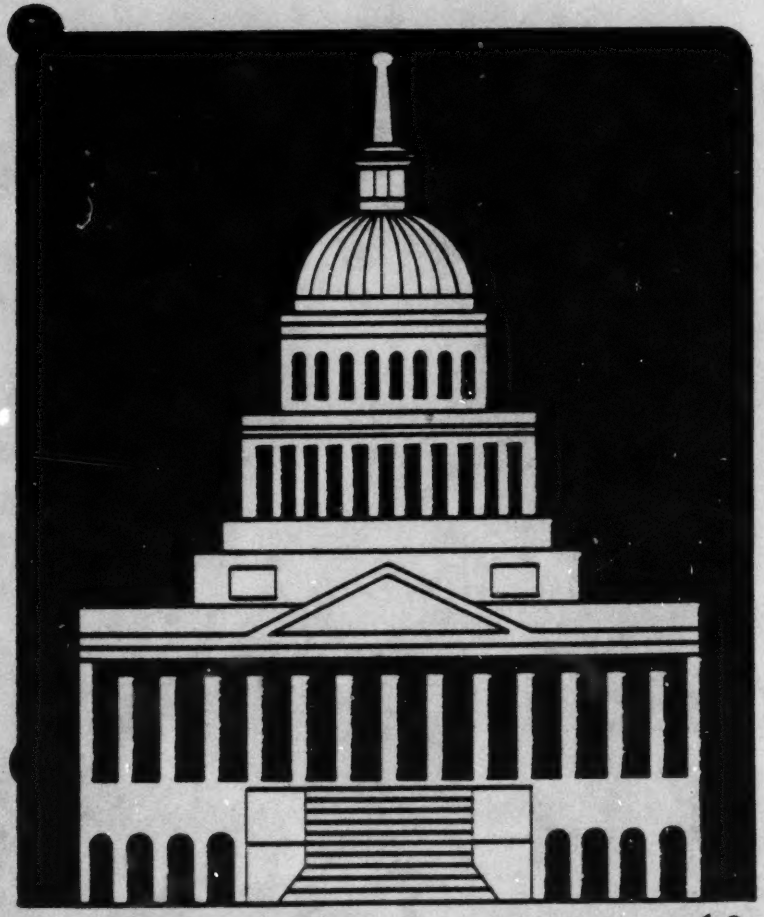
_____3. False. It is the interpretation by the Administration of the Bureau of Workers' Disability Compensation that students employed under cooperative education programs are considered employees.

_____4. True

_____5. False. Public employers must provide Workers' Disability Compensation benefits to cooperative education student-learners if injured on-the-job.

_____6. False. A cooperative education student-learner working for a greenhouse concern can file for Workers' Disability Compensation because of mental disabilities that developed in a significant manner from actual events of employment.

_____7. True



_____8. False. A cooperative education student-learner cannot receive Unemployment and Workers' Disability Compensation benefits concurrently.

_____9. True

_____10. False. A cooperative education student-learner can receive Workers' Disability Compensation benefits which are calculated by taking the total wages earned and dividing by the number of weeks actually worked to give the average weekly wage.

SCORING INSTRUCTIONS

9-10 Correct.....You Know Workers' Disability Compensation

8 Correct.....You have excellent knowledge about Workers' Disability Compensation: but you may want to read the next section; Acquiring Knowledge about Workers' Disability Compensation.

7 Correct.....You did fairly well; you should read more about Workers' Disability Compensation.

1-6 Correct.....Read on, you must learn more about Workers' Disability Compensation.

REINFORCEMENT EXERCISE

DIRECTIONS: Read and answer the question and compare your answer with the response given on the left hand margin. Place a blank sheet of paper over the left hand margin. Good Luck.

ACQUIRING KNOWLEDGE ABOUT WORKERS' DISABILITY

ANSWERS	
A	1. Under the present Michigan Workers' Disability Compensation Act, cooperative education student-learners? A. Can qualify for benefits B. Cannot qualify for benefits
C	2. The Michigan Workers' Disability Compensation Act requires that a claim be made within? A. One month B. Six months C. Two years
C	3. The cooperative education coordinator? A. Should advise all student-learners about their rights under the Workers' Disability Compensation Act. B. Should become a resource person to the local school district regarding the Workers' Disability Compensation Act C. Should refer all questions concerning injuries to the local Workers' Disability Compensation Office
A	4. If a student-learner is injured on-the-job, the first person the student-learner should contact is? A. The employer B. The cooperative education coordinator C. An attorney
B	5. If a student-learner has specific handicaps, the Michigan Department of Education Vocational Rehabilitation Service can issue what type of card that will reduce employer payments if the student-learner is injured on-the-job? A. Injury Card B. Second Injury Card C. Third Injury Card

ANSWERS

E

6. The Department of Education Vocational Rehabilitation Service can issue Second Injury Cards to cooperative education student-learners if the student has?

   A. A back problem
   B. A heart problem
   C. A diabetic problem
   D. An epileptic problem
   E. Any of the above
   F. None of the above

C

7. Minimum rates for general disability have been?

   A. Increased
   B. Decreased
   C. Not all have been eliminated
   D. Eliminated

C

8. The employee's average weekly wage will be based?

   A. On the highest 40 weeks of earnings during the 52 weeks immediately preceding the injury or death
   B. On the highest 35 weeks of earnings during the 52 weeks immediately preceding the injury or death
   C. On the highest 39 weeks of earnings during the 52 weeks immediately preceding the injury or death

A

9. When a cooperative education employee has worked less than 39 weeks and is injured on-the-job?

   A. The total wages earned divided by the number of weeks actually worked determines the average weekly wage
   B. Three-fourths of the wages earned divided by the number of weeks actually worked determines the average weekly wage
   C. One-half of the wages earned divided by the number of weeks actually worked determines the average weekly wage

ANSWERS

C

10. Injuries resulting exclusively from social and recreational activities are?

    A. Increased in coverage under the Act
    B. Decreased in coverage under the Act
    C. Are excluded from coverage under the Act

A

11. Conditions of the aging process will be compensable only if contributed to aggravated or accelerated by the employment?

    A. In a significant manner
    B. In an average manner
    C. In a slight manner

B

12. A cooperative education student-learner is injured after working hours doing personal work. This student-learner?

    A. Can collect Workers' Disability benefits
    B. Cannot collect Workers' Disability benefits

A

13. Workers' compensation benefits for a worker who receives both unemployment and workers' compensation benefits would?

    A. Be reduced by the amount of unemployment compensation received in the same period and charged to the same employer
    B. Not be reduced
    C. Could be increased

You be the judge...

CASE STUDIES

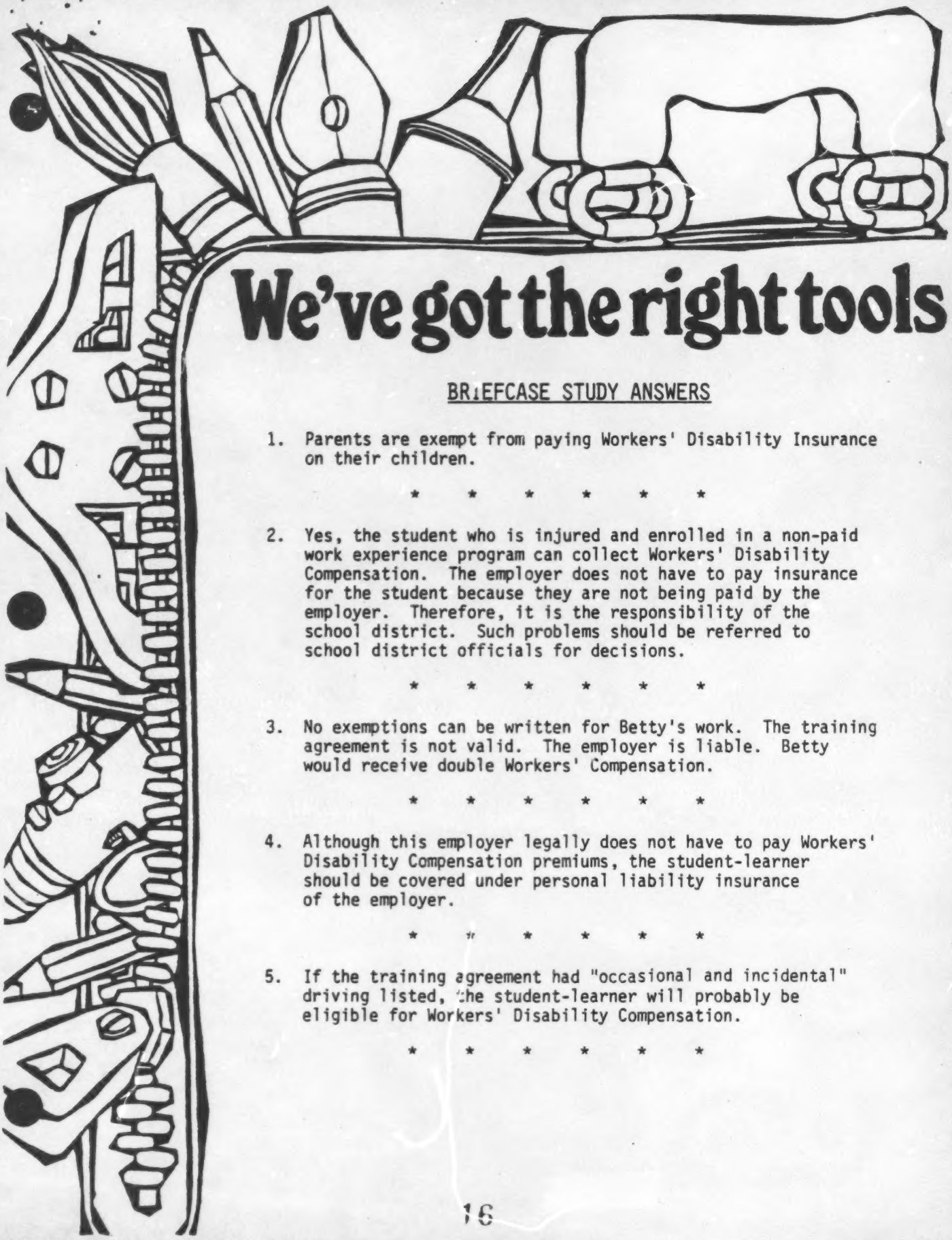
1. Denise Chavez works for her parents as a cashier in a supermarket. She is a cooperative education student-learner in a distributive education program. On your first coordination visit Denise's father asks you if he must carry Workers' Disability Compensation coverage for his daughter?
   Russell T. Barnes, Dowagiac Union

2. A high school student is enrolled in a non-paid work experience program. While working, the student is injured. The injury is serious and there are extensive medical expenses with a long term disability. Can the student collect Workers' Disability Compensation? If so, who is responsible for payments?
   Tom Balk, Tawas Area Schools

3. Betty Kapinski, 17, a cooperative education student-learner is working for a machine shop as a semi-trailer driver. This occupation is a hazardous occupational order and has not been included on the training agreement. While working, Betty is injured. Is the employer liable? Is the coordinator liable?
   Leon Heimberger, Niles High School

4. Jimmie Jones, 17, is working as a nurse's aid in a M.D.'s office. No one else works in the office. Jimmie is a cooperative education student-learner. He injures himself when he slips on the floor. Can the student-learner collect Workers' Disability?
   Jack Humbert/Carl Woloszyk

5. Darold Katz, 17, a cooperative education student-learner works as an office aid in a doctor's office. On the first day of work, the doctor asks Darold to deliver some blood samples in his car. While driving to the lab, Darold is injured. The accident was not Darold's fault. Darold has to stay out of school for a month. Can Darold collect Workers' Disability?
   Robert Younker, Southfield High School



We've got the right tools

BRIEFCASE STUDY ANSWERS

1. Parents are exempt from paying Workers' Disability Insurance on their children.

* * * * * *

2. Yes, the student who is injured and enrolled in a non-paid work experience program can collect Workers' Disability Compensation. The employer does not have to pay insurance for the student because they are not being paid by the employer. Therefore, it is the responsibility of the school district. Such problems should be referred to school district officials for decisions.

* * * * * *

3. No exemptions can be written for Betty's work. The training agreement is not valid. The employer is liable. Betty would receive double Workers' Compensation.

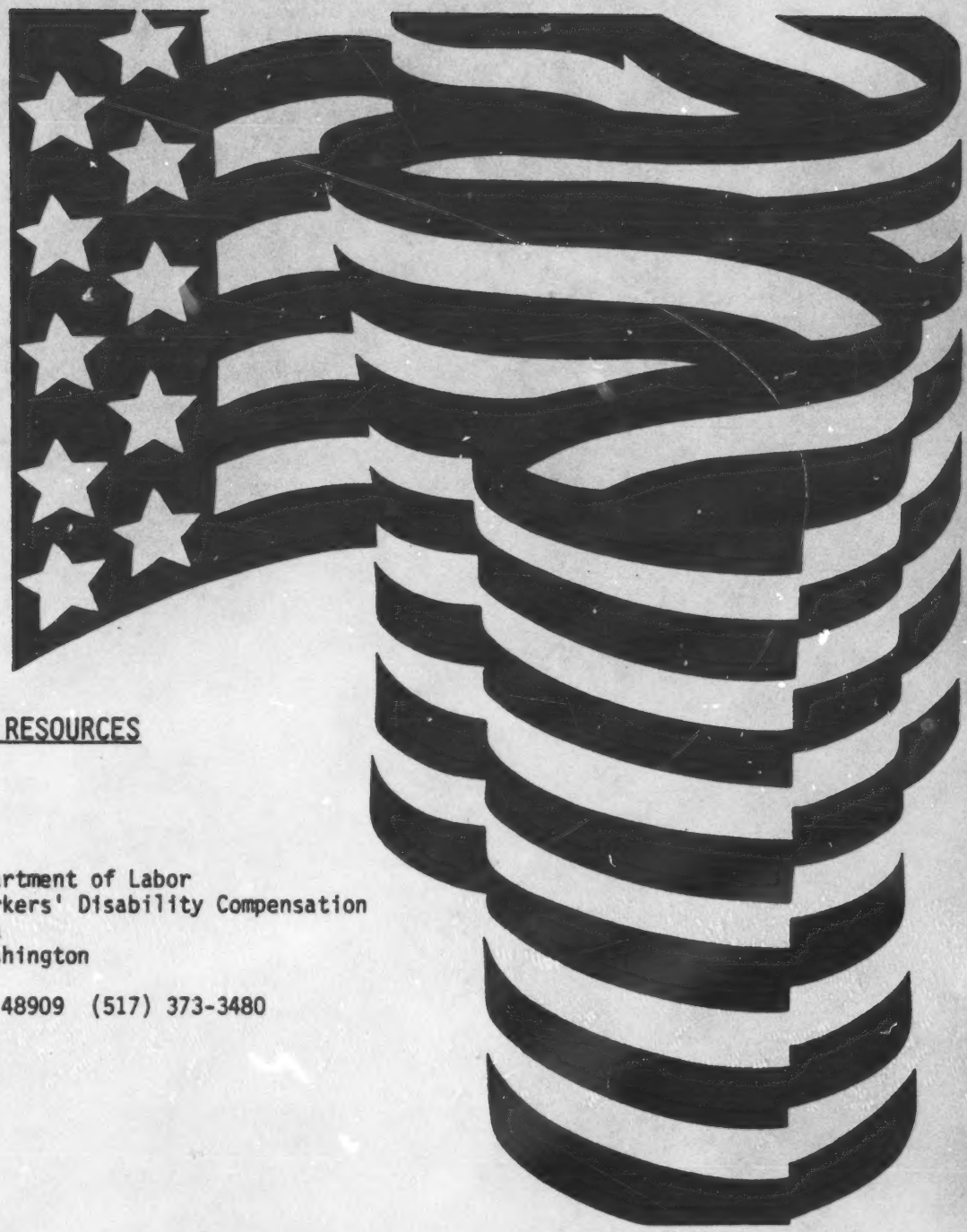
* * * * * *

4. Although this employer legally does not have to pay Workers' Disability Compensation premiums, the student-learner should be covered under personal liability insurance of the employer.

* * * * * *

5. If the training agreement had "occasional and incidental" driving listed, the student-learner will probably be eligible for Workers' Disability Compensation.

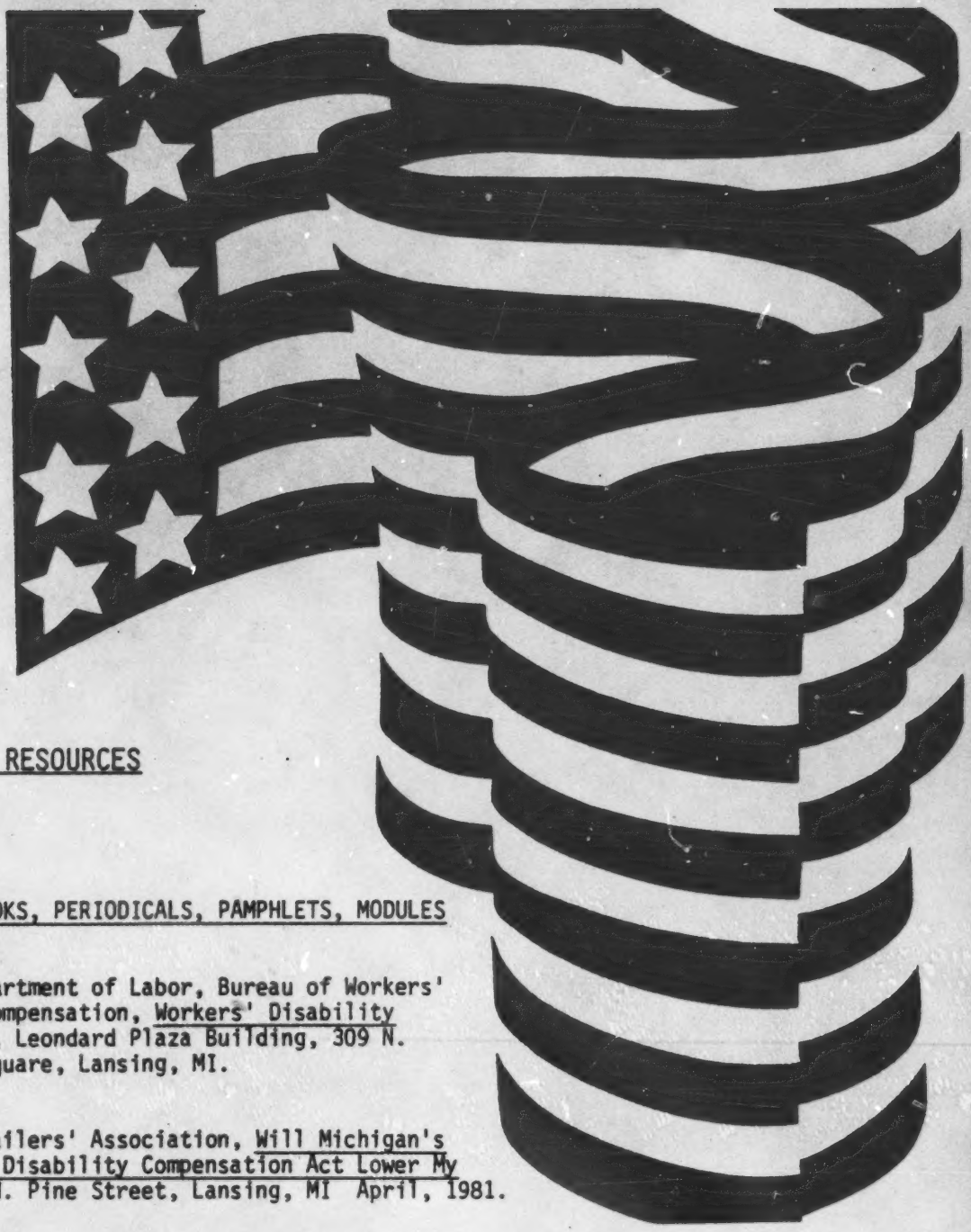
* * * * * *



ADDITIONAL RESOURCES

AGENCIES

Michigan Department of Labor
Bureau of Workers' Disability Compensation
Leonard Plaza
309 North Washington
Box 30016
Lansing, MI 48909 (517) 373-3480



ADDITIONAL RESOURCES

REFERENCE BOOKS, PERIODICALS, PAMPHLETS, MODULES

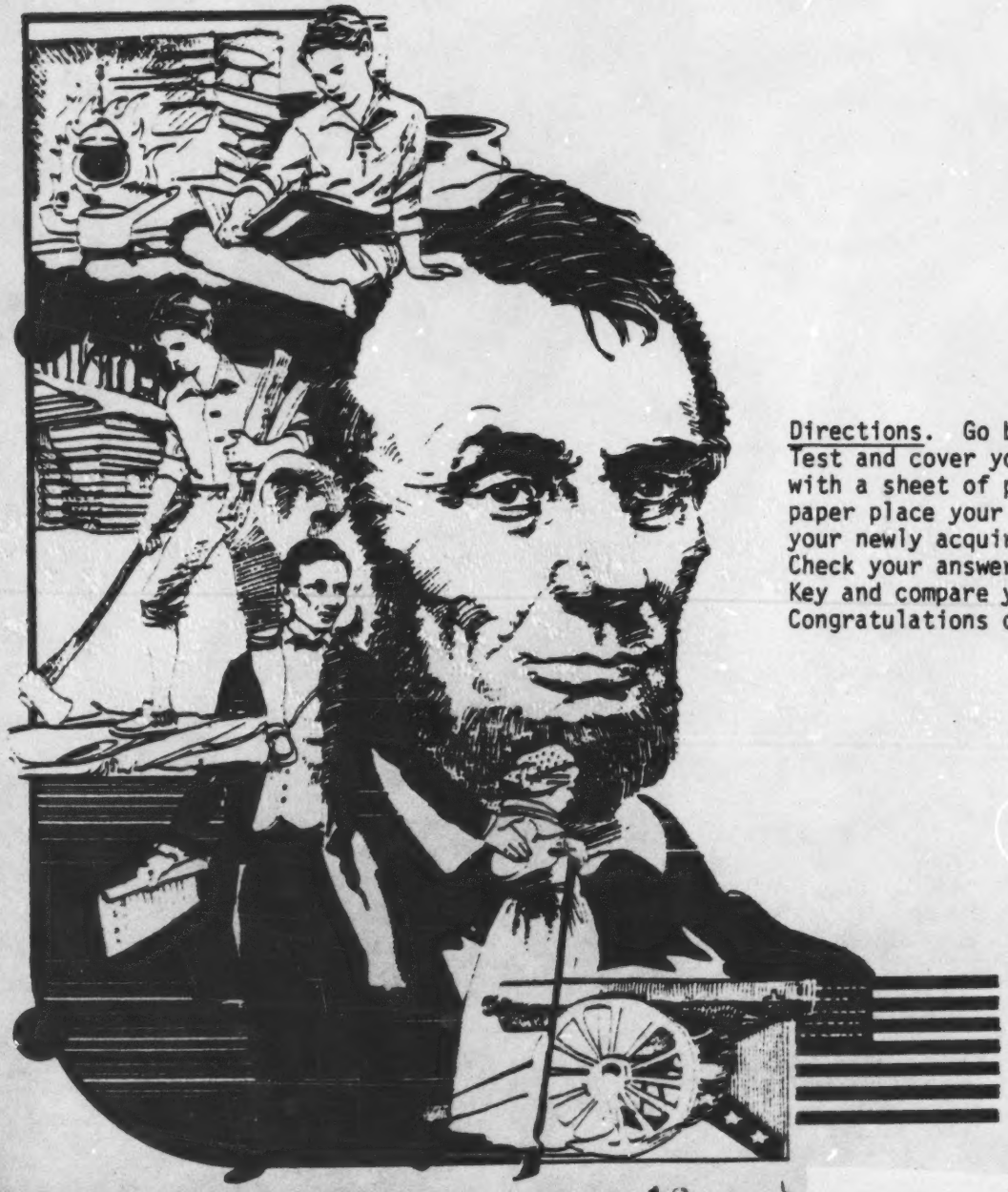
Michigan Department of Labor, Bureau of Workers' Disability Compensation, Workers' Disability Compensation, Leondard Plaza Building, 309 N. Washington Square, Lansing, MI.

Michigan Retailers' Association, Will Michigan's New Workers' Disability Compensation Act Lower My Costs?, 221 N. Pine Street, Lansing, MI April, 1981.

EXIT TEST

WORKERS' DISABILITY COMPENSATION ACT, P.A. 357 OF 1980

Exit Test. The Exit Test is administered to assess your newly gained knowledge about the Workers' Disability Compensation Act. Are you ready for the final evaluation? The Exit Test is the same as the Exemption Test you took earlier. Good luck.



Directions. Go back to the Exemption Test and cover your original answers with a sheet of paper. On this paper place your answers based on your newly acquired knowledge. Check your answers with the Answer Key and compare your scores. Congratulations on your progress!